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Counsel for Jeffrey Wertkin

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

1 Jeffrey Wertkin and the United States Attorney's Office for the Northern District
2 of California, by and through their respective undersigned counsel, hereby stipulate
3 and agree as follows:

4 The date for preliminary hearing or arraignment in this matter is presently set for
5 October 4, 2017.

6 The government and counsel for the defense are presently engaged in
7 productive discussions concerning the disposition of this matter, but the discussions
8 are ongoing. Counsel for the defense believes that additional time is needed to review
9 the evidence that the government has produced in discovery, evaluate the case and
10 conduct discussions with the government.

11 Taking into account the public interest in the prompt disposition of criminal
12 cases, there is good cause to extend the time limits for a preliminary hearing under
13 Federal Rule of Criminal Procedure 5.1 from October 4, 2017 to October 25, 2017.

14 A failure to grant the continuance would deny defense counsel the reasonable
15 time necessary for effective preparation, taking into account the exercise of due
16 diligence, and under the circumstances the ends of justice served by a reasonable
17 continuance outweigh the best interest of the public and the defendant in a speedy
18 trial.

19 The defendant consents to the setting of the preliminary hearing on October 25,
20 2017, as well as an exclusion of time under the Speedy Trial Act from October 4, 2017
21 to October 25, 2017.

22 The parties therefore stipulate and agree that the date for preliminary hearing or
23 arraignment should be continued from October 4, 2017 to October 25, 2017 at 9:30
24 a.m. under the Federal Rule of Criminal Procedure 5.1(d) and 18 U.S.C. § 3060 and
25 that time be excluded under the Speedy Trial Act between October 4, 2017 and
26 October 25, 2017, under 18 U.S.C. § 3161(h)(7)(B)(iv).

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28 **STIPULATION AND [PROPOSED] ORDER CONTINUING PRELIMINARY HEARING**
United States v. Jeffrey Wertkin, No. 17-MJ-70131 (LB) 2

1 SO STIPULATED:

2 Dated: September 25, 2017

3 BRIAN J. STRETCH
United States Attorney

4 By: _____/s/

5 Robin Harris
6 Assistant United States Attorney

7 Dated: September 25, 2017

8 By: _____/s/

9 Raphael M. Goldman
ARGUEDAS, CASSMAN & HEADLEY, LLP
Counsel for Jeffrey Wertkin

12 **[PROPOSED] ORDER**

13 Pursuant to the parties' stipulation, the Court HEREBY ORDERS that the
14 preliminary hearing in this matter is re-set from October 4, 2017 to October 25, 2017 at
15 9:30 a.m. The Court finds that good cause is shown for extending the time limits set
16 forth in Federal Rule of Criminal Procedure 5.1(c), and, further, concludes that the
17 extension is proper under Rule 5.1(d) and Title 18, United States Codes, Sections
18 3060 and 3161.

19 The Court finds the failure to grant the requested extension would deny counsel
20 the reasonable time necessary for effective preparation, taking into account the
21 exercise of due diligence. The Court finds that the ends of justice served by granting
22 the requested extension outweigh the best interests of the public and the defendant in
23 a speedy trial and in the prompt disposition of criminal cases. The Court also
24 concludes that an exclusion of time from October 4, 2017 through and including
25 October 25, 2017 should be made under Title 18, United States Code, Sections
26 3161(h)(7)(A) and 3161(h)(7)(B)(iv). The Court also finds that the ends of justice
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28 **STIPULATION AND [PROPOSED] ORDER CONTINUING PRELIMINARY HEARING**
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1 served by excluding the period from October 4, 2017 to October 25, 2017, outweigh
2 the best interest of the public and the defendant in a speedy trial. *Id.* § 3161(h)(7)(A).

3 IT IS SO ORDERED.

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5 Dated: September 25, 2017

6 By: 
7 The Honorable Laurel Beeler
8 United States Magistrate Judge
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STIPULATION AND [PROPOSED] ORDER CONTINUING PRELIMINARY HEARING
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